

10/650,174 filed 08/28/2003

Parce et al.

Reply to Office Action of 05/19/2006

RECEIVED
CENTRAL FAX CENTER
SEP 13 2006**REMARKS/ARGUMENTS**

Claims 1-27 are pending in the above-captioned application. Claims 1, 3, 13-15, 18-21, 23, and 27 were rejected, while claims 2, 4-12, 16, 17, 22, and 24-26 were objected to as being dependent upon a rejected base claim but were judged to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With this paper, base claim 1 has been amended to include the limitations of claim 2, and claim 2 has been canceled. Similarly, claim 22 has been rewritten in independent form as new claim 29, which includes the limitations of base claim 1.

**I. Claim rejections under 35 U.S.C. § 102(b) as being anticipated by Yager et al.
(US 5,716,852)**

Claims 1, 3, 13-15, 18-20, 21, 23, and 27 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Yager et al. (US 5,716,852). "[F]or anticipation under 35 U.S.C. § 102, a single reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP § 706.02. "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has stated on page 10 of the present Office action that claim 2 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim (and any intervening claims, of which there are none). Claim 2 has been rewritten in independent form by incorporating the limitations of claim 2 into base claim 1, resulting in an allowable claim 1. As Yager et al. do not teach every aspect of amended claim 1 either explicitly or impliedly, withdrawal of the rejection of claim 1 under U.S.C. § 102(b) as being anticipated by Yager et al. is respectfully requested.

Claims 3, 13-15, 18-20, 21, 23, and 27 depend directly or indirectly from claim 1. Therefore, Applicants respectfully submit that these dependent claims are allowable for at least the same reasons as set forth herein with respect to amended claim 1. Withdrawal of the rejection of dependent claims 3, 13-15, 18-20, 21, 23, and 27 under U.S.C. § 102(b) as being anticipated by Yager et al. is also respectfully requested.

10/650,174 filed 08/28/2003

Parce et al.

Reply to Office Action of 05/19/2006

II. Claim rejections under 35 U.S.C. § 102(e) as being anticipated by Wu et al. (US 6,221,677 B1)

Claims 1, 3, 13-15, 20, 23, and 27 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wu et al. (US 6,221,677 B1). As described above, claim 1 has been amended to include the limitations of claim 2, resulting in a claim the Examiner has deemed to be allowable. As Wu et al. do not teach every aspect of amended claim 1 either explicitly or impliedly, withdrawal of the rejection of claim 1 under U.S.C. § 102(e) as being anticipated by Wu et al. is, therefore, respectfully requested.

Claims 3, 13-15, 20, 23, and 27 depend directly or indirectly from claim 1. Therefore, Applicants respectfully submit that these dependent claims are allowable for at least the same reasons as set forth herein with respect to amended claim 1. Withdrawal of the rejection of dependent claims 3, 13-15, 20, 21, and 27 under U.S.C. § 102(e) as being anticipated by Wu et al. is also respectfully requested.

III. Allowable Subject Matter

As previously mentioned, the Examiner stated on page 10 of the present Office action that claims 2, 4-12, 16, 17, 22, and 24-26 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As also previously mentioned, this has been done with regard to claims 2 and 22. Claim 1 was amended to incorporate claim 2, thereby producing an allowable claim 1. As is evident, no claims intervened between claim 1 and claim 2. In addition, a new claim 29 was added that represents claim 22 rewritten in independent form to include all of the limitations of base claim 1. Again, no claims intervened between claim 1 and claim 22.

10/650,174 filed 08/28/2003
Parce et al.
Reply to Office Action of 05/19/2006

RECEIVED
CENTRAL FAX CENTER
SEP 13 2006

Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned attorney.

Respectfully submitted,

Ann C. Petersen
Reg. No. 55,536

CALIPER LIFE SCIENCES, INC.
605 Fairchild Drive
Mountain View, CA 94043
Direct: 650-623-0667
Fax: 650-623-0504
ann.petersen@caliperLS.com

CERTIFICATE OF TRANSMISSION OR MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 13, 2006 by Will Sayo.

Signed: 